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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,162

03/09/2005

Morten Sagstuen

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EXAMINER

WILSON, KAITLIN A

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

06/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,162

Applicant(s)

SAGSTUEN, MORTEN

Examiner

Kaitlin A. Wilson

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/09/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Norway on 09/09/2002. It is noted, however, that applicant has not filed a certified copy of the Norwegian application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The information disclosure statement filed 03/09/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

3. The spacing of the lines of the specification is such as to make reading difficult. New application papers with lines 1½ or double spaced on good quality paper are required.

Claim Objections

4. The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

5. Claim 1 is objected to because of the following informalities:

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- page 6, line 13 there is no prior mention to “the axis of rotation”. For the purpose of examination, the examiner presumes “the axis of rotation” reads “an axis of rotation”
- page 6, line 14-15 there is no prior mention to “the user’s centre of gravity”. For the purpose of examination, the examiner presumes “the user’s centre of gravity” reads “a user’s centre of gravity”

Appropriate correction is required.

6. Claim 2 is objected to because of the following informalities: page 6, line 18-19 there is no prior mention to “the axis of rotation of the back”. For the purpose of examination, the examiner presumes “the axis of rotation of the back” reads “an axis of rotation of the back”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 1 recites the limitation “its pivotal support” in line 4. There is insufficient antecedent basis for this limitation in the claim. The claim previously states that “the seat and back are pivotally supported in two side members” but it is confusing as to whether or not the “pivotal support” of line 4 is the associated structure.

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10. Additionally, Claim 1 recites the limitation "the respective pivot supports of the seat" in line 7. There is insufficient antecedent basis for this limitation in the claim. The claim previously states that "the seat and back are pivotally supported in two side members" but it is confusing as to whether or not these are the associated structure.

11. Additionally, Claim 1 recites the limitation "the back pivot support (15)" in line 8. There is insufficient antecedent basis for this limitation in the claim. The claim previously states that "the seat and back are pivotally supported in two side members" and mentions "its pivot support", but it is confusing as to whether or not the "the respective pivot supports of the seat" of line 7 is the associated structure.

12. Additionally, Claim 1 recites the limitation "the back link arm connection (13)" in line 8. There is insufficient antecedent basis for this limitation in the claim. There is prior mention to "a link arm (12)", but the examiner does not considered this to provide antecedent basis for "the back link arm connection".

13. Additionally, Claim 1 recites the limitation "the seat pivot support (16)" in line 9. There is insufficient antecedent basis for this limitation in the claim. The claim previously states that "the seat and back are pivotally supported in two side members" and mentions "the respective pivot supports of the seat", but it is confusing as to whether or not these are the associated structure.

14. Additionally, Claim 1 recites the limitation "the seat link arm connection (14)" in line 9. There is insufficient antecedent basis for this limitation in the claim. There is prior mention to a link arm (12), but the examiner does not considered this to provide antecedent basis for "the seat link arm connection".

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Henke (US Patent 5,108,148).

17. In re Claim 1, with reference to Figures 1 and 7, Henke discloses an adjustable chair (1) arrangement, in particular for a wheelchair (col. 2, line 38), comprising a seat (4) and a back (2) that are pivotally supported in two side members (8 and 11; figures 3 and 4) and are kinematically interconnected in such manner that an angle between the seat (4) and the back (2) will increase when the back (2) is swiveled backwards about its pivotal support (A and E) in the side members (8 and 11; col. 3, lines 45-49), which kinematic connection comprises a link (20) connection between the seat (4) and the back (2), characterized in that the link connection (20) is in the form of a link arm (20) arranged under the respective pivot supports of the seat (B) and the back (2) so that the distance between the back pivot support (A) and the back link arm connection (50) is less than the distance between the seat pivot support (B) and the seat link arm connection (E), and that the axis of rotation of the seat through the seat's pivot support (B) in the side members (8) passes essentially through or close to the user's centre of gravity (col. 3, lines 12-16, 31-34).

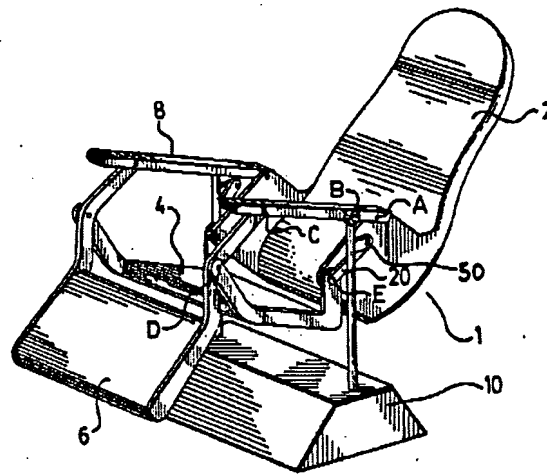


FIG. 1.

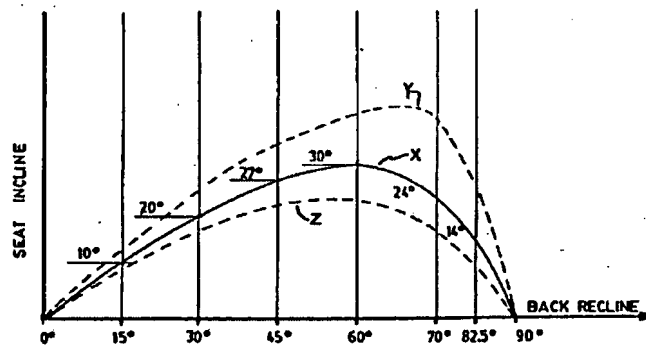


FIG. 7.

18. In re Claim 2, Henke discloses that the axis of rotation of the back through the back pivot support (A) in the side members passes essentially through the user's hips (col. 3, lines 5-6).

19. The examiner does not consider the recitation of the "user's hips" to limit the claim to a specific location. Henke, with reference to Figure 5, discloses pivot (A), which inherently passes through the upper portions of the hip and is the pivot support

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for the back (2) of the chair (1). This is considered to be equivalent language to the applicant's "through the user's hip".

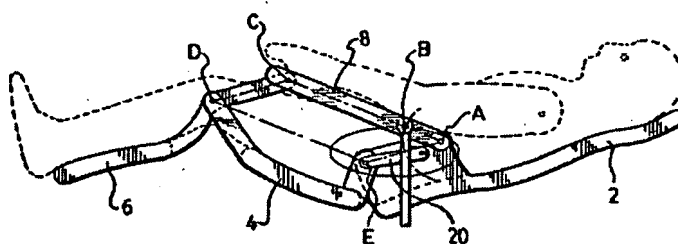


FIG. 5.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sagstuen (US Patent 5,785,384) discloses a adjustable chair that is pivotally mounted in side supports, where the seat is moved forward and tilted as the back is reclined. Hancock et al. (US Patent 5,423,594) discloses a link mechanism with ends connected to the seat and back, to aid in reclining of the back and subsequent tilting of the seat. Koepke et al. (US Patent Application 2003/0001420 A1) discloses an axis of rotation for a seat back that passes through the users hips, to reduce "shirt pull".

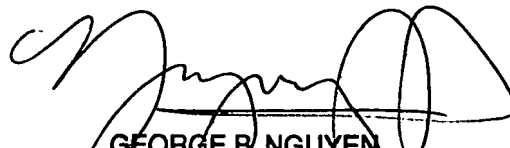
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin A. Wilson whose telephone number is (571)-270-3206. The examiner can normally be reached on Monday - Friday (7:00am-4:30pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571)-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kaitlin A. Wilson



GEORGE B. NGUYEN
SUPERVISORY PATENT EXAMINER